

NO. GV504584

STATE OF TEXAS,	§	IN THE DISTRICT COURT OF
Plaintiff	§	
	§	
vs.	§	TRAVIS COUNTY, TEXAS
	§	
DAVID JASON WEST; ROXANA	§	
SUADI WEST; CARLOS M. SUADI and	§	
PYDIA, INC., DBA	§	
WWW.BANKOP.COM	§	353 RD JUDICIAL DISTRICT
Defendants.	§	

TEMPORARY INJUNCTION ORDER

CAME ON THIS DAY BEFORE THIS COURT Plaintiff, the STATE OF TEXAS, acting by and through Attorney General Greg Abbott (hereinafter “Plaintiff”), and presented its request for Temporary Injunction in this case. In support of its request, the State did present evidence and argument as follows:

Plaintiff, the State of Texas has filed its Original Petition and prayed for, among other things, civil penalties and injunctive relief. As set forth in its Petition, the State of Texas has presented a request for Temporary Injunction against Defendants.

The Court FINDS that Defendants may be violating §§ 17.46(a) and (b) of the Texas Deceptive Trade Practices-Consumer Protection Act (“DTPA”), Tex. Bus. & Com. Code § 17.41 *et seq.* (Vernon 2002 and Supp. 2004-05), and the Court further FINDS that this action is in the public interest.

It appears from the facts set forth in Plaintiff’s Original Petition and exhibits and sworn affidavits attached hereto that unless Defendants are immediately restrained from the acts prohibited below, Defendants will continue to commit such acts before a full trial can be held on the merits of the State’s claims. To the extent required by law, Plaintiff has proved that continued violation of these laws will continue to cause Plaintiff and the general public to suffer irreparable harm.

IT IS THEREFORE ORDERED that the clerk of this court shall forthwith issue

a temporary injunction, restraining Defendants, their officers, agents, employees, and attorneys, and all persons in active concert or participations with them, from engaging in the following acts:

- A. Transferring, concealing, destroying, or removing from the jurisdiction of this Court any books, records, documents, invoices or other written materials relating to Defendants' business currently or hereafter in Defendants' possession, custody or control except in response to further orders or subpoenas in this cause;
- B. Advertising in any media, including but not limited to, print, television, radio, or internet, a debt elimination program and/or "Banking Opportunity" which purports to assist consumers in eliminating their debts through loans and subsequent debt forgiveness by a bank, without disclosing in those advertisements the name of the bank which has agreed to lend the consumers money to pay off their debts;
- C. Advertising in any media, including but not limited to, print, television, radio, or internet, a debt elimination program and/or "Banking Opportunity" which purports to assist consumers in eliminating their debts through loans and subsequent debt forgiveness by a bank, without first providing to the State of Texas substantiation for Defendants' claim that a bank has agreed to lend consumers money to pay off their debts and then agreed to forgive those loans;
- D. Holding seminars to inform consumers of a debt elimination program and/or "Banking Opportunity" which purports to assist consumers in eliminating their debts through loans and subsequent debt forgiveness by a bank, without first providing to the State of Texas substantiation for Defendants' claim that a bank has agreed to lend consumers money to

pay off their debts and then agreed to forgive those loans;

- E. Collecting any personal identification information from Texas consumers, including but not limited to, names, addresses, telephone numbers, social security numbers, credit card numbers, and banking, checking, and/or savings account information, without first providing to the State of Texas substantiation for Defendants' claim that a bank has agreed to lend consumers money to pay off their debts and then agreed to forgive those loans;
- F. Collecting advance fees for loans, regardless of the name given to the advanced fee, including but not limited to advanced fees which are characterized as "deposits;" and
- G. Failing to return any advance fee collected by Defendants from Texas consumers, regardless of the name given by the Defendants to the advance fee at the time it was solicited and collected, including amounts collected by Defendants from Texas consumers that were characterized by Defendants as "deposits."

The Clerk of the Court shall immediately issue a TEMPORARY INJUNCTION ORDER in conformity with the law and the terms of this Order.

This Order shall be effective without the execution and filing of a bond because Plaintiff State of Texas is exempt from such bond under TEX. CIV. PRAC. & REM. CODE § 6.001 and TEX. BUS. & COM. CODE § 17.47(b).

A trial on the merits of this case is set on _____, at
_____.

SIGNED this _____, 2005.

Judge Presiding